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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

AVRAM J. GOLDBERG, individually and in his
capacity as trust officer for the Sidney R. Rabb Trust
FBO Carol Goldberg; CAROL R. GOLDBERG,
individually and in her capacity as trustee of the
Sidney R. Rabb Trust FBO Carol Goldberg; M.

Adv. Pro. No. 10-05439 (SMB)

GORDON EHRLICH, in his capacity as trustee of the Sidney R. Rabb Trust FBO Carol Goldberg, and as attorney-in-fact for Carol R. Goldberg, Avram J. Goldberg, and the Carol R. Goldberg and Avram J. Goldberg Special Account; SIDNEY R. RABB TRUST FBO CAROL GOLDBERG; and THE AVCAR GROUP, LTD.

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Avram J. Goldberg, individually and in his capacity as trust officer for the Sidney R. Rabb Trust FBO Carol Goldberg (“Rabb Trust”), Carol R. Goldberg, individually and in her capacity as trustee of the Rabb Trust, M. Gordon Ehrlich, in his capacity as trustee of the Rabb Trust and as attorney-in-fact for Carol R. Goldberg, Avram J. Goldberg and the Carol R. Goldberg and Avram J. Goldberg Special Account, the Rabb Trust, and The Avcar Group Ltd. (“Defendants”), by and through their counsel, Richard Levy, Jr., Pryor Cashman LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed and served the Complaint against Defendants.

2. On September 18, 2015, Defendants filed and served their Answer to the Complaint.

3. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181], the Parties entered into a Settlement Agreement and Release

on April 14, 2020.

4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to dismiss the Trustee's claims against Defendants in the above-captioned adversary proceeding and to dismiss the adversary proceeding without prejudice, subject to the right of the Trustee to move *ex parte* to re-open this adversary proceeding in the event of an uncured default under the terms of the Settlement Agreement.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

7. The Bankruptcy Court shall retain jurisdiction over this Stipulation.

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Dated: April 23, 2020
New York, New York

BAKER & HOSTETLER LLP

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Securities LLC and the Estate of
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Of Counsel:

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Attorneys for Defendants

SO ORDERED:

/s/ STUART M. BERNSTEIN

Hon. Stuart M. Bernstein
United States Bankruptcy Judge

Dated: April 23, 2020
New York, New York